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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Hiroomi KUWAHARA (Deceased)

Docket No.: KAS.074

Serial No.: 10/573,483

Art Unit: 3752

Filed: March 24, 2006

Examiner: Ryan Alexander Reis

For: SPRAY GUN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

The courtesy of Examiners Reis and Nguyen in granting a personal interview to the applicant's attorney is gratefully acknowledged.

During the interview, the applicant's attorney stated that the feature of claim 4 of a paint outlet that is positioned forward of the nozzle holes of the ring-shaped nozzle of the air jetting means does have an advantage, namely, the paint does not adhere to the body frame, and the nozzle holes (25a) do not clog. The applicant's attorney also stated that advantage is suggested in the specification, but that advantages need not be described in the application, as was made clear by *In re Chu*, 36 USPQ2d 1089 (Fed. Cir. 1995).

The applicant's attorney gave the Examiners a copy of *In re Chu* and a copy of MPEP 716.02(f), which cites *In re Chu*. The applicant's attorney pointed out that in *In re Chu*, Judge Rich, in addition to finding that advantages need not be described in the application, held that placement of a catalyst within a bag retainer, as opposed to another position, would not have been merely a matter of "design choice." The applicant's attorney pointed out further that Judge Rich, in holding that the placement of a catalyst would not have been merely a matter of "design

choice, said there was no teaching or suggestion in the prior art that would lead one of ordinary skill in the art to modify a first structure to place the catalyst within a bag retainer as opposed to between two filter bags as disclosed in Szymanski. Judge Rich also said that Chu's technical evidence countered the assertion that placement of the catalyst in the baghouse is merely a "design choice." The applicant's attorney also gave the Examiners a copy of *In re Gal*, which is cited in *In re Chu*, and in which the court said that a finding of obvious design choice is precluded where the claimed structure and the function it performs are different from the prior art..

With respect to claim 5, the applicant's attorney stated that connecting the paint feeding hose through the handle provides the advantage that it enables the spray gun of the present invention to be held with less strength or force. He related his own experience of the strong force exerted by fluid under pressure on a high-pressure device for cleaning trucks and other equipment. He added that the force of paint might not be as great as the pressure of the water being sent through the washing device, but that the accuracy with which the pressure washer needs to be aimed is less than the precision with which a spray gun for something like paint needs to be aimed. a strong force on the front of the spray gun of Govindan. As a result, greater force or strength must be exerted by a user on the handle of Govindan in order to 1) overcome the force on the front of the spray gun applied by the forward-positioned hose and also to 2) maintain the gun in a desired aimed orientation. The applicant's attorney indicated that *In re Gal* and *In re Chu* are pertinent to the Examiner's position that connecting the paint feeding hose through the handle is an obvious design choice.

With respect to claim 6, the Examiners indicated that the projection of the compressed air line 1 from what appears to be, in Fig. 1 of the Govindan reference, the bottom of the handle constitutes the air intake being positioned rearward of the prehensile part. The Examiners indicated that their reason for their determination is that "rearward" does not appear to be defined in the claim. The applicant's attorney pointed out that claim 6 depends on claim 5, which depends on claim 4, and that claim 4 defines "rear" by reciting, for example, a body frame having a length, a front end, a rear end, an air intake adjacent to the rear end, an air valve adjacent to the rear end, air jetting means mounted at the front end of the body frame, and a paint valve extending forwardly from the front end of the body frame to a paint outlet that is positioned forward of the nozzle holes of the ring-shaped nozzle. Thus, it would be clear to

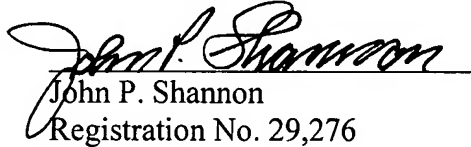
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one of ordinary skill what is meant be "rearwardly" in claim 6.

The Examiners stated that they would consider the rejection of the claims again in light of *In re Chu*. The applicant's attorney pointed out that the time for responding to the final rejection was still running and asked how he would know of the results of the Examiners' further consideration of the rejection in light of *In re Chu*. The Examiners agreed to call the applicant's attorney with the results of their further review.

Respectfully submitted,

Date: 5-1-09


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CERTIFICATE OF MAILING

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